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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/047,060 | 01/14/2002 | Anand Baichwal | 540.1004CON2 | 3558 |

23280 7590 08/14/2003

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[REDACTED] EXAMINER

AZPURU, CARLOS A

[REDACTED] ART UNIT 1615
[REDACTED] PAPER NUMBER

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|---|------------------------------|---|
| Ex Parte Reexamination Advisory Action | Control Number 10/047,060 | Patent Under R examination BAICHWAL ET AL. |
| | Examiner Carlos A. Azpuru | Art Unit 1615 |

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

THE PROPOSED RESPONSE FILED 31 July 2003 FAILS TO OVERCOME ALL OF THE REJECTIONS IN THE FINAL REJECTION MAILED 02/26/03. Therefore, unless a timely appeal is filed, or other appropriate action by the patent owner is taken to overcome all of the outstanding rejection(s), this *ex parte* reexamination proceeding WILL BE TERMINATED and a Notice of Intent to Issue *Ex Parte Reexamination* Certificate will be mailed in due course. Any finally rejected claims, or claims objected to, will be CANCELLED.

THE PERIOD FOR RESPONSE IS EXTENDED TO RUN 5 MONTHS FROM THE MAILING DATE OF THE FINAL REJECTION.

(Extensions of time are governed by 37 CFR 1.550(c))

1. Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within the extended period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see NOTE below);
 - (c) they are not deemed to place the proceeding in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. Patent owner's proposed response filed _____ has overcome the following rejection(s): _____
4. The proposed new or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit/declaration, b) exhibit, or c) request for reconsideration has been considered but does NOT overcome the rejection(s) because: it does not overcome the rejections under 35 USC 112, second paragraph, as well as 35 USC 102(b)
6. The affidavit/declaration or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) patentable and/or confirmed: _____

Claim(s) objected to: _____

Claim(s) rejected: 26-43

Claim(s) not subject to reexamination: _____

8. The proposed drawing correction filed on _____ a) has b) has not been approved by the Examiner.
9. Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s) _____.
10. Other: The rejection under 35 USC 112, first paragraph for lack of enablement is hereby withdrawn.


CARLOS AZPURU
PRIMARY EXAMINER
GROUP 1500

cc: Requester (if third party requester)

U.S. Patent and Trademark Office
PTO-467 (Rev. 04-01)